IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

TUESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU
WRIT PETITION NO : 11988 of 2004

Between:
Gundu Krishna, S/o. Peda Ramaiah,
R/o. Akupamula Village, Munagala Mandal, Nalgonda District.
..... PETITIONER

AND

1 The Secretary, Regional Transport Authority, Nalgonda, Nalgonda District.
2 The Motor Vehicles Inspector, Khammam.
.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue Writ Order or Direction more particularly one in the nature of WRIT OF MADNAMUS, declaring the action of the 2nd respondent in seizing and detaining the petitioner's Tractor vehicle bearing Chassis No.SL 0308 SA 38246 and Engine No.B 21217 and Trailor bearing Chasis No. 34/2003 vide Check report No. 1161943 dt. 22-6-2004 as illegal, arbitrary and unconstitutional and consequently direct the respondent to release the vehicle bearing Tractor vehicle bearing Chassis No. SL 0308 SA 38246 and Engine No. B 21217, and Trailor bearing Chassis No. 34/2003.

Counsel for the Petitioner :MR.P.NAGESWARA RAO, Advocate

Counsel for the Respondents: GP FOR TRANSPORT

The Court, at the admission stage, made the following :

HONOURABLE SRI JUSTICE K.C.BHANU

W.P.No.11988 of 2004

ORAL ORDER:

The petitioner's Tractor bearing Chasis No.SL 0308 SA 38246 and Engine No.B 21217 and Trailor bearing Chasis No.34/2003 was seized by the 2nd respondent vide Check Report No.1161943, dated 22.6.2004 for violation of certain provisions of the Motor Vehicles Act, 1988.

The petitioner submitted an application for grant of interim custody of his Tractor and Trailor, but the 1st respondent has not passed any orders. Whether the petitioner has violated any of the provisions of the Motor Vehicles Act, 1988 or rules framed thereunder has to be decided by an appropriate authority. However, it is not desirable to keep the vehicle idle exposing to sun and rain, which causes damage to the vehicle.

Therefore, a direction is given to the respondents to release the Tractor bearing Chasis No.SL 0308 SA 38246 and Engine No.B 21217 and Trailor bearing Chasis No.34/2003 to the petitioner for interim custody on condition that the petitioner deposits a sum of Rs.5,000/- (Rupees Five Thousand Only) with the following conditions:

1. *that the petitioner shall not alienate or transfer the vehicle or any part of it.*
2. *that the petitioner shall produce the vehicle as and when required by the authority concerned.*

With the above direction, the writ petition is disposed of at the stage of admission. In the circumstances of the case, there shall be no order as to costs.

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(K.C.BHANU,J.)

13th July, 2004
bcj

To
1 The Secretary, Regional Transport Authority, Nalgonda, Nalgonda District.
2 The Motor Vehicles Inspector, Khammam.
3 Two C.Cs to the Government Pleader for Transport, High Court Buildings, Hyderabad (OUT)
4 Two C.D. copies

Note: Furnish copy in two days
B/o
bcj